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WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

YOUNG, JANELLE N

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/505,568	Applicant(s) JOERESSEN, OLAF	
	Examiner Janelle N. Young	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 & 16-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant argues that Rachabathuni fails to disclose or suggest independent claim 1, because Rachabathuni at least fails to disclose or suggest adapting a configuration of an application on a terminal device in accordance with properties of at least one data connection, as recited in claim 1.

Applicant's arguments filed June 16, 2006 have been fully considered but they are not persuasive. Rachabathuni et al. teaches an application server that is configured to download applications to the wireless device and packet transmission protocol described therein added data to an existing protocol (Col. 4, lines 61-67 and Col. 6, line 45-Col. 7, line 20 in correspondence with Abstract; Col. 2, lines 14-29 & 57-67; Col. 3, lines 8-12; Col. 4, lines 58-67; Col. 5, lines 38-53; and Col. 6, lines 18-44 of Rachabathuni et al.).

Response to Amendment

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rachabathuni et al. (US Patent 6628938).

As of claim 1, Rachabathuni et al. teaches a method for operating a personal mobile terminal apparatus having an application and wherein the personal mobile terminal apparatus can access at least one data connection, comprising the steps of: obtaining properties of at least one data connection accessible from the mobile terminal apparatus, characterized by adapting a configuration of the application on the terminal apparatus in accordance with the information concerning a user's roaming; which reads on claimed properties (Col. 4, lines 61-67 and Col. 6, line 45-Col. 7, line 20 in correspondence with Abstract; Col. 2, lines 14-29 & 57-67; Col. 3, lines 8-12; Col. 4, lines 58-67; Col. 5, lines 38-53; and Col. 6, lines 18-44 of Rachabathuni et al.).

As of claims 2-5 & 9, Rachabathuni et al. teaches a method, wherein the properties are the identifiers; which reads on claimed identification of data connection, obtained when a data connection, is selected, and the step of selecting an appropriate data connection and a the step of determining actually data connections, is a potentially accessible data connection, and wherein the properties are obtained during the determination. (Col. 2, lines 54-63; Col. 4, lines 61-67; and Col. 6, lines 9-17 of Rachabathuni et al.)

As of claims 6 - 8, Rachabathuni et al. teaches a method, further comprising the detecting a data transfer to be performed by, step of starting an application on a

personal mobile terminal apparatus prior to obtaining the properties and the step of determining active applications, and adapting configurations of the determined active applications. (Abstract; Col. 2, lines 47-53; and Col. 3, lines 1-4 of Rachabathuni et al.)

As of claim 10, Rachabathuni et al. teaches a software tool for adapting a configuration of an application of a mobile terminal, to an accessible voice, data, an/or multimedia communication; which read on claimed data connection, comprising technique; which reads on program code means, for carrying out the steps when program code of the program code means is run on a mobile terminal apparatus. (Abstract; Col. 1, lines 6-20; and Col. 6, lines 40-52 of Rachabathuni et al.)

As of claim 11, Rachabathuni et al. teaches a core program; which reads on claimed computer program, for adapting a configuration of an application of a mobile terminal to data connection, comprising program code means for carrying out the when program code of the program code means is run on a mobile terminal apparatus' processor. (Col. 5, lines 38-43 of Rachabathuni et al.)

As of claim 12, Rachabathuni et al. teaches a database; which reads on claimed computer program product, comprising program code means stored on a ROM (Read Only Memory); which reads on claimed computer readable medium; for carrying out the method when program code of the operation of WAP applications; which reads on claimed computer program means, is run on a wireless device; which reads on claimed mobile terminal apparatus. (Col. 5, lines 18-36 of Rachabathuni et al.)

Regarding claim 13, see explanation as set forth regarding claim 1 (method claim) because the claimed wireless device or personal mobile apparatus would perform the method steps.

As of claim 14, Rachabathuni et al. teaches a wireless device; which reads on claimed apparatus, further comprising means for storing the configuration and selecting one of the at least one accessible data connections. (Col. 6, lines 30-53 of Rachabathuni et al.)

As of claim 16, Rachabathuni et al. teaches a wireless device; which reads on claimed apparatus, comprising: an access subsystem, responsive to a selection signal, for selecting at least one packet; which reads on claimed access system, from among a plurality of selectable access systems; a media selection subsystem for providing the selection beacon signal; an application subsystem having at least one application; and a configuration server, responsive to the selection signal, for selecting a wireless communication; which read on claimed data connection, for the at least one application. (Col. 4, lines 28-67 and Col. 5, line 54- Col. 6, line 8 of Rachabathuni et al.)

As of claims 17-20, Rachabathuni et al. teaches a wireless device; which reads on claimed apparatus, wherein the selection signal is provided only if a data transfer is to be executed along with the connection being available, and the connection is available and actually required. (Abstract; Col. 2, lines 41-47; Col. 8, lines 22-29; Col. 9, lines 15-26; and Col. 10, lines 46-67 of Rachabathuni et al.).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rachabathuni et al. (US Patent 6628938) and further in view of Focsaneanu et al. (US Patent 5828666).

As of claim 21 (new), Rachabathuni et al. teaches a wireless device; which reads on claimed apparatus, for operating a personal mobile terminal apparatus having an application and wherein the personal mobile terminal apparatus can access at least one data connection, comprising the steps of:

a data processor configured to run at least one application (Col. 5, lines 17-53 of Rachabathuni et al.) and obtaining properties of at least one data connection accessible from the mobile terminal apparatus, characterized by adapting a configuration of the application on the terminal apparatus in accordance with the information concerning a user's roaming; which reads on claimed properties (Col. 4, lines 61-67 and Col. 6, line 45-Col. 7, line 20 in correspondence with Abstract; Col. 2, lines 14-29 & 57-67; Col. 3, lines 8-12; Col. 4, lines 58-67; Col. 5, lines 38-53; and Col. 6, lines 18-44 of Rachabathuni et al.). What Rachabathuni et al. does not explicitly teach is a data exchanger.

However Focsaneanu et al. teaches a data service provider; which reads on claimed data exchanger, configured to access at least one data connection and an obtainer configured to obtain properties of at least one data connection accessible by said data exchanger (Col. 1, lines 60-63 and Col. 8, lines 6-21 of Focsaneanu et al.).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a multi-service access platform which permits the formation of a universal service network encompassing a plurality of telecommunication networks, as taught by Focsaneanu et al., in the application specific messages are specific to services provided via a wireless station transmitting the application specific message planning of Rachabathuni et al., because Rachabathuni et al. already receiving application specific messages and user location method using user location awareness of each other or of their location while moving from one location to the other, thereby providing a mechanism to relate services to users, such as location dependent services to a single user, to location dependent services to multiple users at a single location or at different locations (Col. 3, lines 16-23 of Rachabathuni et al.).

The motivation of this combination would be the effect of the application specific messages are received as connectionless and/or connection-oriented could be used transmitted and quickly change applications, as taught by Rachabathuni et al. in Col. 2, lines 6-11, because the mobile information society many context, location and application specific services would be made available to a person carrying a handheld device such as a cell phone, a PDA or any other handheld device that is capable of communicating within a defined coverage area within a system. Only the useful portion

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of the data is transmitted in the transport network. The transmission format can also be adapted at the access module (e.g. rate adaptation, protocol adaptation, application, etc.) to better match the terminals, transport, or service capability available (Col. 6, line 65-Col. 7, line 3 of Focsaneanu et al.). The incorporation of a multi-service access platform with wireless station transmitting the application specific message planning would not impact the transfer speed for the data connection and allow the user to indicate a change in the service request, and/or can select a different action from the access module by using a sequence of low-level signaling schemes, e.g. hook flash or DTMF, or a message-based control communications scheme (Col. 13, lines 3-12 of Focsaneanu et al.).

As of claim 22 (new), Rachabathuni et al. teaches a wireless device; which reads on claimed apparatus, further comprising a selector configured to select one of said at least one accessible data connections (Abstract; Col. 2, lines 14-29 & 57-67; Col. 3, lines 8-12; and Col. 4, lines 58-67 of Rachabathuni et al.).

As of claim 23 (new), Rachabathuni et al. teaches a wireless device; which reads on claimed apparatus, further comprising a storage and/or database; which reads on claimed storer, configured to store said configuration of said at least one application for said at least one accessible data connection (Col. 4, lines 28-67 and Col. 6, line 45-Col. 7, line 20 in correspondence with Abstract; Col. 2, lines 14-29 & 57-67; Col. 3, lines 8-12; Col. 5, lines 38-53; and Col. 6, lines 18-44 of Rachabathuni et al.).

As of claim 24 (new), Focsaneanu et al. teaches a wireless device; which reads on claimed apparatus, comprising: means, responsive to a selection signal, for

selecting at least one access system from among a plurality of selectable access systems; means for providing said selection signal; means for having at least one application; and means, responsive to said selection signal, for selecting a specific data connection for said at least one application (Col. 8, lines 6-21; Col. 10, line 57-Col. 11, line 9; Col. 13, lines 3-12; and Col. 15, lines 10-28 of Focsaneanu et al.).

As of claim 25 (new), Focsaneanu et al. teaches a wireless device; which reads on claimed apparatus, wherein said selection signal is provided only if a data transfer is to be executed (Abstract; Col. 3, lines 27-40 & 62-67; Col. 6, line 47-Col. 7, line 2; Col. 8, lines 40-54; Col. 14, lines 10-25 & 45-61 of Focsaneanu et al.).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

September 14, 2006
JNY



Matthew D. Anderson
Supervisory Patent Examiner